



FIRM and AFFILIATE OFFICES

THOMAS W. SANKEY  
DIRECT DIAL.: +1 713 402 3924  
PERSONAL FAX: +1 713 583 9157  
E-MAIL: twsankey@duanemorris.com

www.duanemorris.com

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May 15, 2013

The Honorable Richard G. Andrews  
J. Caleb Boggs Federal Building  
844 N. King Street, Unit 9  
Room 6325  
Wilmington, DE 19801-3555

Re: **Civil Action No. 10-812-RGA, *EON Corp. IP Holdings, LLC v. FLO TV Incorporated*, et al, In the United States District Court for the District of Delaware**

Dear Judge Andrews:

AT&T Mobility LLC (AT&T) writes this letter to inform the Court of its position with respect to EON's Emergency Motion to Continue the Markman Hearing and Amend the Scheduling Order. While AT&T does not want to delay this Court's current schedule any more than is necessary, AT&T believes that conducting one Markman hearing on the '757 patent is the judicially efficient way to proceed.

In that vein, claim construction briefing in the District of Puerto Rico was completed by the parties on May 3, 2013, one day after the May 2<sup>nd</sup> Order severing and transferring the claims involving the '757 patent to Delaware. Given the fact that claim construction briefing is complete and in view of the imminent arrival of the AT&T case in this Court, AT&T requests the Court continue the currently scheduled Markman hearing (May 24<sup>th</sup>) by at least one month so that transfer can be completed and AT&T's claim construction positions can be presented to and heard by the Court at the same time as the other parties.

AT&T believes that a continuance of at least one month will assist in streamlining issues common to both cases. For instance, although AT&T's proposed constructions for several of the claim terms at issue here are similar to the Delaware defendants' proposals, they are not identical. AT&T also has proposed constructions for several claim terms that have not been proposed by the defendants in this case. A continuance thus would promote judicial efficiency

DUANE MORRIS LLP

1330 POST OAK BOULEVARD, SUITE 800 HOUSTON, TX 77056-3166  
DM113854310.1 E3515/00004

PHONE: +1 713 402 3900 FAX: +1 713 402 3901

Duane Morris

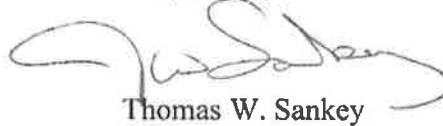
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as it will provide AT&T sufficient opportunity to work with the Delaware defendants to resolve or minimize the differences between their respective constructions.

With respect to discovery, EON and AT&T have been operating under a Case Management Order in the Puerto Rico case where the discovery deadline is set for September 3, 2013 or 60 days after the Markman order, whichever is later. AT&T believes this date should remain in place and, in any event, should not be accelerated because of the transfer.

Finally, we are prepared to discuss scheduling with the Court as soon as the transfer is complete, at which time we will be filing a joint motion to consolidate the AT&T case with the currently pending Delaware case for pre-trial purposes.

Respectfully,



Thomas W. Sankey

TWS:ars